

Federal Defenders
OF NEW YORK, INC.

Southern District
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February 5, 2024

BY ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Granted-
Denise Cote
2/6/24

**Re: United States v. Donte Pratt
23 Cr. 513 (DLC)**

Dear Judge Cote:

We write to respectfully request that the Court modify Donte Pratt's bail conditions to allow him to reside in his mother's home—where he had been living at the start of his home incarceration—until he surrenders to the custody of the Bureau of Prisons on March 1, 2024. The defense has contacted pretrial services and the government but has not yet heard their position on this urgent request.

On March 24, 2023, Mr. Pratt was presented in Magistrate Court. Following a contested bail hearing, Magistrate Judge Cave set the following bail conditions:¹

\$75,000 personal recognizance bond to be co-signed by two financially responsible persons; compliance with pretrial services supervision as directed; home incarceration at mother's home in the Bronx enforced by location monitoring technology; continue or start an education program; surrender all travel documents with no new applications; travel restricted to the Southern District of New York, the Eastern District of New York, and the District of New Jersey for court appearances only; attend all court dates for this and any other proceedings; avoid all contact, direct or in direct, with any person who is or may be a victim or witness in the investigation; mental health evaluation and

¹ On May 16, 2023, Judge Cave endorsed Mr. Pratt's request to reside with his longtime girlfriend and bond co-signer, Latifa Ruiz, after pretrial services determined that Ms. Ruiz's residence was suitable for Mr. Pratt's home incarceration.

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treatment; not possess a firearm, destructive device, or other weapon; not possess personal identification information of any other person; must not open any new bank accounts or lines of credit without prior notice to and permission of pretrial services; consent to pretrial services search of cellphone during home visits; speak with Judge Cave within 24 hours of release and have weekly calls with Judge Cave thereafter.

Mr. Pratt was released on his own signature and complied with all conditions of release shortly thereafter.

On October 5, 2023, Mr. Pratt was arraigned on an Information and pled guilty before Your Honor to theft of government funds. In addition to the above conditions of release, the Court ordered Mr. Pratt to submit to drug testing by pretrial services. Mr. Pratt has since been drug tested three times, on October 13, 2023, November 2, 2023, and January 19, 2024. Each time, he tested negative for any illicit substances. On January 19, 2024, this Court sentenced Mr. Pratt to 46 months' incarceration with a voluntary surrender date of March 1, 2024.

Since his presentment on March 24, 2023, Mr. Pratt has participated in 15 check-in phone calls with the government, pretrial services, and Judge Cave as directed. During each of these calls, including the most recent, pretrial services reports that Mr. Pratt remains in full compliance with the conditions of release and "is doing everything that's asked of him." Specifically, for months, Mr. Pratt attended GED courses and successfully completed the Focus Forward program. He is also actively engaged in mental health counseling and treatment at Argus Community, Inc. in the Bronx. He has not violated any of his location monitoring requirements.

In December 2023, at Mr. Pratt's request, the Court granted Mr. Pratt permission to spend four hours at his mother's home in the Bronx on Christmas Day.

On Friday, January 26, pretrial services conducted a home visit with Mr. Pratt without issue. A few days later, Mr. Pratt contacted pretrial services after his partner, with whom he lives, went into labor. Mr. Pratt requested permission to take his partner to the hospital, where she gave birth to a healthy baby boy. On January 29, 2024, the Court granted Mr. Pratt permission to spend three hours per day at the hospital with his partner and newborn baby.

Earlier today, Mr. Pratt contacted pretrial services and defense counsel to request permission to immediately move back in with his mother, Taeya Clark, at the address where he had been living when he was released on this matter in March 2023. The stress associated with a newborn baby and Mr. Pratt's impending voluntary surrender date in a few weeks has led Mr. Pratt and his partner to the conclusion that it would be best for their family if Mr. Pratt returned to his mother's home for the remainder of his time on home incarceration.

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Thank you for your attention to this matter.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

Michael Arthus, Esq.

Counsel for Donte Pratt

cc: Counsel of record

SO ORDERED:

THE HONORABLE DENISE L. COTE
United States District Judge